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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,710	01/24/2001	Harry C. Morris	DMBC-0003	2728

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EXAMINER

ZIMMERMAN, JOHN J

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 05/22/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,710

Applicant(s)

MORRIS, HARRY C.

Examiner

John J. Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: ____

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OFFICE ACTION

Information Disclosure Statement

1. The Information Disclosure Statement received April 16, 2001 has been considered. An initialed form PTO-1449 is enclosed with this Office Action.

Claim Rejections - 35 USC § 112, Second Paragraph

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The Markush group of claim 5 should be constructed as “comprising a composition selected from the group consisting of”. It is unclear what constitutes “stainless alloy” since there is no universally art recognized definition of what compositions constitute “stainless” alloys. In addition, the use of “monel” is indefinite since the relationship between a trademark and the product it identifies is sometimes uncertain and arbitrary. The formula or characteristics of the product may change from time to time and yet it may continue to be sold under the same

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trademark. In patent specifications, every element or ingredient of the product should be set forth in positive, exact, intelligible language, so that there will be no uncertainty as to what is meant. Arbitrary trademarks which are liable to mean different things at the pleasure of manufacturers do not constitute such language, *Ex parte Kattwinkle*, 12 USPQ 11 (Bd. Apps. 1931). In addition, the term should be capitalized.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 4-12853. Japanese publication 4-12853 discloses a doctor blade for squeezing ink on a printing plate comprising a steel blade covered with a hard chromium plating layer (e.g. see abstract and Figure 1).

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 63-25038. Japanese publication 63-25038 discloses a doctor blade adapted to an ink

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supply apparatus comprising a steel blade covered with a hard chromium plating layer (e.g. see abstract and Figure 1).

8. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 3-64595. Japanese publication 3-64595 discloses a blade for printing coating paper comprising a steel blade covered with a chromium electroplated layer (e.g. see abstract and Figures 1-5).

9. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese publication 06-257095. Japanese publication 06-257095 discloses a doctor blade for a paper machine comprising a steel blade covered with a chromium plating layer (e.g. see Figure 8).

10. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundbye (U.S. Patent 2,313,830). Lundbye discloses a doctor blade for printing comprising a steel blade covered with a chromium plating layer (e.g. see page 2, left column, lines 1-34).

11. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundbye (U.S. Patent 2,361,554). Lundbye discloses a doctor blade for printing comprising a steel blade covered with a chromium plating layer (e.g. see claims 1-3).

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12. Claims 1-6 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlsen (U.S. Patent 2,404,689). Carlsen discloses a doctor blade for printing comprising a steel blade covered with a chromium plating layer (e.g. see the claim).

13. Claims 1-6 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Stalmuke (U.S. Patent 3,230,928). Stalmuke discloses a blade coater for the paper industry comprising a steel blade covered with a chromium plating layer (e.g. see Figure 2 and column 2, lines 25-41).

14. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindblad (U.S. Patent 4,970,560). Lindblad discloses a cleaning blade for electrophotographic processes comprising a steel blade covered with a chromium plating layer (e.g. see Figure 2 and claims 6 and 10).

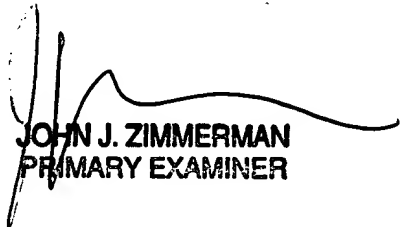
15. Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Nomura (U.S. Patent 6,059,881). Nomura discloses a coater blade for coating processes comprising a steel blade covered with a chromium plating layer (e.g. see Figures 2, 3 and Table 1).

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Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art serves to further establish the level of ordinary skill in the art at the time the invention was made.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Zimmerman whose telephone number is (703) 308-2512 and whose fax number is (703) 872-9310.


JOHN J. ZIMMERMAN
PRIMARY EXAMINER

jjz
May 17, 2002